HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7714 OF 2005.

Vazir Ali Shaikh. ..Petitioner.

Versus.

Hussein Ali Shaikh & Ors ..Respondents.

Shri. A.A.Joshi for the Petitioners.

CORAM: S.B.MHASE &
DATE : MARCH 7, 2006.

P.C.

1. Perused the petition. It transpires that the permission to cross examine the defendant and defendant's witness has been granted on payment of cost of Rs.1,000/-. However, from the conduct of the plaintiff it is reflected that the plaintiff is not diligent in prosecuting the defendant. However, by way of last chance and to avoid further remand of the matter, the opportunity has been offered to the plaintiff to cross examine these witnesses. Therefore no interference is called for. However, looking to the manner in which the matter has proceeded in the trial court, this Court makes it clear that no further adjournment should be granted in favour of the plaintiff unless they are found to be very genuine. As far as the cross-examination of the defendant and defendant's witness is concerned, the same should be completed on day-to-day basis. With these observations the petition is disposed of.

(S.B.MHASE, J.)